



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Notice of Appeals from the Primary Examiner to the Board of Appeals

In re Application of : Xybernaut Corporation  
Serial Number : 09/677,569  
Filing Date : 10/2/00  
For : Computer Motherboard Architecture with  
Integrated DSP  
Examiner/Art Unit : Han, Qi

**RECEIVED**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

AUG 30 2004

Technology Center 2600

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated  
June 9, 2004 of the Primary Examiner finally rejecting claims 1-4, 5, 7-19, 21, 23-25, 31,  
32-33.

Applicant is a Small Business Entity; the \$165.00 Notice of Appeal is enclosed  
herewith. The Commissioner is hereby authorized to charge payment of any additional  
fees relating to this Application or Appeal to Deposit Account No. 18-0080. In the event  
the attached check is insufficient or unacceptable for any reason, please charge the  
required fees to Deposit Account No. 18-0080. Three copies of this Notice of Appeal are  
enclosed herewith.

Respectfully submitted,

JAMES J. RALABATE

Reg. No. 19,211

Attorney for Applicant

5792 Main Street

Williamsville, NY 14221

(716) 634-2280

Date Mailed: August 23 2004

See Certificate of Mailing attached hereto

61 8-25-04 AF

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

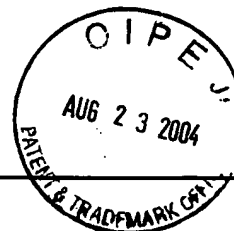
Docket No.  
XIP 48

In Re Application Of: XYBERNAUT CORPORATION

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/677,569	10/2/00	HAN, QI	24321	2654	

Invention:

COMPUTER MOTHERBOARD ARCHITECTURE WITH INTEGRATED DSP



COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated finally rejecting Claim(s)

Applicant is a small entity under 37 CFR 1.9 and 1.27.

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☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: \$165.00

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165.00 00

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-0080.

☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

Dated: August 23, 2004

JAMES J. RALABATE  
ATTORNEY FOR APPLICANT  
5792 MAIN STREET  
WILLIAMSVILLE NY 14221  
(716) 634-2280

**EXPRESS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 [37 CFR 1.8(a)].  
(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CERTIFICATE OF MAILING BY  
EXPRESS MAIL ATTACHED HERETO

EV394762585US

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **XYBERNAUT CORPORATION**

Docket No.

**XIP 48**

Application No.

**09/677,569**

Filing Date

**10/2/00**

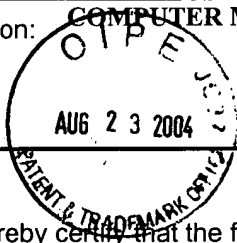
Examiner

**HAN, QI**

Customer No.

**24321**

Group Art Unit

**2654**Invention: **COMPUTER MOTHERBOARD ARCHITECTURE WITH INTEGRATED DSP**  
**AUG 23 2004**

I hereby certify that the following correspondence:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO BOARD OF PATENT APPEALS***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

**AUGUST 23, 2004***(Date)***JAMES J. RALABATE***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***EV 394762585 US***("Express Mail" Mailing Label Number)***RECEIVED****AUG 30 2004****Technology Center 2600****Note: Each paper must have its own certificate of mailing.**